

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 FREDERIC GREEN,

5 Plaintiff,

6 v.

7 HIGH DESERT STATE PRISON MEDICAL
8 DEPARTMENT, et al.,

9 Defendants.

Case No. 2:17-cv-00090-APG-CWH

**ORDER DENYING WITHOUT
PREJUDICE MOTIONS FOR
INJUNCTIVE RELIEF**

(ECF Nos. 42, 43)

10 Plaintiff Frederic Green brought this lawsuit against officials at High Desert State Prison
11 (HDSP), where he used to be an inmate, alleging the defendants were deliberately indifferent to
12 his medical needs related to his eye. ECF Nos. 4, 6. I previously deferred ruling on Green's
13 request for injunctive relief while he was housed at HDSP so the parties could proceed to
14 mediation. ECF No. 6. The mediation was unsuccessful. ECF No. 19. In November 2017, Green
15 was transferred to Ely State Prison. ECF No. 21. Consequently, his request for injunctive relief
16 against officials at HDSP is moot.

17 Green has again moved for injunctive relief, this time against officials at Ely State Prison.
18 ECF Nos. 42, 43. However, these officials are not defendants in this action. Preliminary
19 injunctive relief is appropriate where "the intermediate relief [is] of the same character as that
20 which may be granted finally." *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220
21 (1945). But a court cannot issue an injunction that "deals with a matter lying wholly outside the
22 issues in the suit." *Id.*

23 Because Green's request for injunctive relief arises out of separate conduct by separate
24 officials at a different facility, and those matters are wholly outside this lawsuit, I must deny his
25 motions for injunctive relief in this lawsuit. Green should exhaust his administrative remedies
26 and file a separate lawsuit to address the issues he contends are occurring at Ely State Prison.

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1 IT IS THEREFORE ORDERED that plaintiff Frederic Green's motions for a temporary
2 restraining order and preliminary injunction (**ECF Nos. 42, 43**) are **DENIED without prejudice**.

3 DATED this 11th day of May, 2018.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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